



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,062	02/04/2000	Paola Caracino	05788.0124	8277

22852 7590 05/21/2002

FINNEGAN, HENDERSON, FARABOW, GARRETT &
DUNNER LLP
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER

CUNEO, KAMAND

ART UNIT	PAPER NUMBER
----------	--------------

2827

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

9/498062

Applicant(s)

Examiner

Cures

Group Art Unit

2827

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE One MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/25/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 27-43 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 27-43 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 2/28/02 is ☐ approved ☒ disapproved, **DO NOT SHOW OTHER CLAIMED FEATURES.**
- ☒ The drawing(s) filed on 2/4/02 is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Status of Claims and Objections to Disclosure

1. Applicant elected with traverse, in paper #4, the product group of claims 27-43. These claims are pending in the application. The current examiner is additionally restricting these product claims into the below-identified species. Examiner apologizes any inconvenience this requirement may cause.
2. Upon election of a species, an office action on the merits of the elected claims will be issued. Furthermore, upon indication of allowable subject matter, any nonelected claims which include the subject matter of an allowed claim and fully comply with the provisions of section 112 will be rejoined and allowed.
3. Applicant is reminded that all of the features listed as defining the species below are not shown in the drawings. The drawings are required to show these features identified by reference numbers. Correspondingly, the specification must give a description of the reference numbers in the detailed description. Therefore, the drawings are objected to under 37 CFR 1.83(a) for showing the claimed subject matter. These features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Election/Restriction

4. This application contains claims directed to the following patentably distinct species of the claimed invention as described on page 10 of the specification.

species a1: the tubular supports being copper and smooth or corrugated,

species b1: the tubular supports being stainless steel or aluminum and smooth or corrugated,

species c1: the tubular supports being copper and spirally wound,

species d1: the tubular supports being stainless steel or aluminum and spirally wound,

species e1: the tubular supports being copper and having a tile structure,

species f1: the tubular supports being stainless steel or aluminum and having a tile structure,

species a2: the tubular supports being copper and smooth or corrugated and a second tape (25),

species b2: the tubular supports being stainless steel or aluminum and smooth or corrugated and
a second tape (25),

species c2: the tubular supports being copper and spirally wound and a second tape (25),

species d2: the tubular supports being stainless steel or aluminum and spirally wound and a
second tape (25),

species e2: the tubular supports being copper and having a tile structure and a second tape (25),

species f2: the tubular supports being stainless steel or aluminum and having a tile structure and
a second tape (25).

5. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Currently, claim 27 is generic.

6. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any

claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

7. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

8. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Closing

9. Any inquiries related to the examination of this application should be directed to Ex. K. Cuneo at (703) 308-1233 or her supervisor SPE David L. Talbott at (703) 305-9883. Inquiries of a general nature should be directed to the receptionist of Group 2800 at (703) 308-0956. The fax numbers for Group 2800 are (703) 308-7722 and 7724.

A handwritten signature in black ink, appearing to read 'K. Cuneo', with a stylized, flowing script.

K. Cuneo
Primary Examiner
May 18, 2002